

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DIANE FRANKLIN, ,

Plaintiff,

18-CV-6436 (JGK) (OTW)

-against-

ORDER

NYCT-MTA,

Defendant.

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ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of a joint letter requesting a discovery extension from December 10, 2020 to January 31, 2021. (ECF 45). The request is **DENIED**.

Discovery has been pending since July 2020 with no apparent progress by either party.

Defendant has failed to: timely file a Rule 26 report¹, produce any documents², and electronically file documents³. Moreover, Defendant has failed to order the transcript of the September 30, 2020 conference transcript and provide a copy to the Plaintiff. (ECF 44).

Defendant is directed to contact the Southern District Reporters at <https://sdreporters.com/>. If Defendant does not order the transcript within seven days of this Order, it may be sanctioned under the Court's inherent powers and/or 28 U.S.C. § 1927.

Plaintiff, on her part, has also caused considerable delay by seeking (and obtaining) multiple adjournments on the vague proposition that she may obtain counsel. *See, e.g.*, ECF 27,

¹ See ECF 35 (failing to timely file the Rule 26(f) report).

² See ECF 45 (despite discovery pending since July 2020, the Defendant has failed to produce any documents to Plaintiff).

³ See ECF 39 (emailing Chambers instead of filing on the docket).

36, 40. To date, no counsel has entered an appearance on behalf of Plaintiff, and she remains *pro se*. Counsel may enter an appearance at any time, but the Court will not grant any further extensions contingent on that event. If *pro se* Plaintiff refuses to cooperate in discovery she may risk a recommendation of dismissal of her action for failure to prosecute.

The parties have not shown diligence, and thus their joint request for an extension is denied. **Fact discovery shall be completed by December 10, 2020.** The parties are directed to submit a joint status letter on **December 10, 2020** and to appear for a post-fact discovery conference on **December 15, 2020 at 10:30 am**. Dial in (866) 390-1828, access code 1582687.

The Clerk of Court is directed to close ECF 45.

SO ORDERED.

Dated: November 4, 2020
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge